

REMARKS/ARGUMENTS

Entry of the foregoing and further consideration of the subject application in light of the remarks that follow and consistent with 37 C.F.R. 1.116 are respectfully requested.

Claims 21 through 32 are pending.

REJECTION UNDER 35 U.S.C. § 102

Claim 21-24 stand rejected under 35 U.S.C. 102(a) as being anticipated by SE 9802303-A (Sterte et al.). This rejection is specifically traversed.

Applicant's invention pertains macrostructure and a process of preparing of the macrostructures comprising the following steps:

- (a) forming a composite material composed of a porous organic ion exchanger having a three-dimensional pore structure and a continuous matrix of a mesoporous inorganic material within the three-dimensional pore structure of the porous organic ion exchanger; and
- (b) removing the porous organic ion exchanger from the composite material to yield the macrostructures
- (c) treating said continuous three-dimensional matrix of mesoporous inorganic material, before or after removal of said porous organic ion exchanger from the composite material, under hydrothermal conditions to convert at least a portion of said mesoporous inorganic material to a crystalline molecular sieve composition.

Sterte et al. (English language equivalent WO 00/00287 (WO'287)) disclosed forming mesoporous inorganic oxides by hydrothermally treating an organic ion exchange resin containing an inorganic material prior to or after removal of the organic ion exchanger. (Page 10, lines 1-7). However, WO'287 does not disclose or suggest forming a crystalline molecular sieve from a mesoporous inorganic material that exists in the pores of an organic ion exchanger, or from a mesoporous material that has been formed in the pores of an organic ion exchanger and had the ion exchanger removed.

Withdraw of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claim 25-32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over SE 9802303-A (Sterte et al.). This rejection is specifically traversed.

As noted above, Applicant's invention disclosed a macrostructure that is novel over the material disclosed by Sterte et al. Employing such macrostructure of molecular sieves in hydrocarbon conversion processes is not obvious in view of knowledge of the ordinary skilled artisan. It has long been established that catalysts are generally considered unpredictable merely from the chemical nature of the catalyst. (*Corona Co. v. Dovan* (USSC 1928) 276 US 358, 369). Catalytic effects are not ordinarily predictable with certainty. *In re Doumani et al.* (CCPA 1960) 281 F.2d 215, 126 USPQ 408. Further, the effect of the modification of one prior art catalytic process in a manner employed in another prior art process which employs a different catalyst was held unpredictable. (*Ex parte Berger et al.*, (POBA 1952) 108 USPQ 236). To find obviousness, "there must be some reason for the combination other than the hindsight gleaned from the invention itself." *Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985). Stated another way, "[I]t is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." *In re Fritch* 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).

In conclusion, applicant's invention is novel and non-obvious over SE 9802303-A (Sterte et al.).

Withdraw of the rejection is respectfully requested.

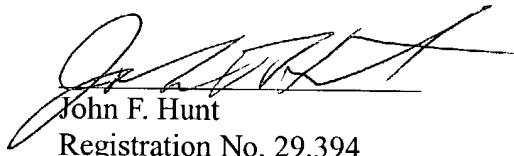
CONCLUSION

It is respectfully submitted that all claims 21-32 are in condition for allowance and favorable action thereon is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that are required or credit any overpayment to Deposit Account No. 05-1712. A duplicate copy of this page is attached hereto.

Respectfully submitted,

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Date



John F. Hunt
Registration No. 29,394
Attorney for Applicant

ExxonMobil Chemical Company
Law Technology Department
P. O. Box 2149
Baytown, Texas 77522-2149
Telephone No. 281/834-0341
Facsimile No. 281/834-2495